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February 18, 2010

Via Fax 215-580-2133

The Honorable Louis H. Pollak
United States District Court
Eastern District of Pennsylvania
United States Courthouse
Independence Mall West
601 Market Street, Room 16613
Philadelphia, PA 19106

**Re: AARON L. HARTMAN v. NATIONAL BOARD OF MEDICAL
EXAMINERS,
United States District Court for the Eastern District of Pennsylvania,
Docket Number: 09-5028**

Dear Judge Pollak:

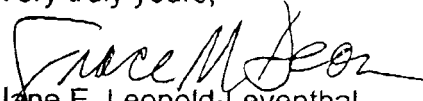
I am writing in response to Charles Weiner's, letter to you dated February 17, 2010, requesting the scheduling of a Hearing in the above-captioned matter. As an initial matter, NBME does not believe that any Hearing is necessary on Plaintiff's motion for a preliminary injunction. We strongly believe that the NBME's Brief in opposition establishes (without Plaintiff's refutation) that Plaintiff cannot meet its heavy burden of proving any of the necessary elements to entitle Plaintiff to a preliminary injunction. Nevertheless, we would of course welcome the opportunity to discuss the next steps in the litigation with Your Honor.

We would also like to note that the urgency suggested in the letter from Plaintiff's Counsel does not support his request for a hearing date. If the Plaintiff takes the Step 2 CS exam in the window between January 1 and February 28, he will receive his score between April 1 and April 29 (and not before that time) - which is after the March 18th

The Honorable Louis H. Polfak
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Match date referenced by Plaintiff's Counsel in his letter. (See enclosed Katsufakis Declaration, p.6, ¶ 16). If Plaintiff tests between March 1 and March 28, Plaintiff will receive his score between April 29, and May 27, more than a month or two after Mr. Weiner suggests Plaintiff must receive his score. (See id.). In either event, he will not have his score from the Step 2 CS examination in advance of the residency Match date which he relies upon in requesting a Hearing date.

Very truly yours,


Jane E. Leopold-Leventhal
Grace M. Deon

JELL/lmf

cc: Honorable M. Faith Angell (Via Fax)
Charles Weiner, Esquire (Via Email)